IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.69842 M OF 2005

DATE OF DECISION: FEBRUARY 12, 2007

Vinod Chitkara

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. J. S. Bedi, Advocate,
for the petitioner.

Mr. M. C. Berry, Sr.DAG, Punjab,
for the State.

None for respondent No.2.

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RANJIT SINGH, J.

The petitioner, who is Honorary General Secretary of the Ludhiana District Cricket Association, has filed this petition, seeking quashing of an FIR registered against him and some other persons under various Sections of the Indian Penal Code with the allegation that some over-age boys were made to play in a Cricket Tournament.

The FIR has been got registered by one Sonia Dhillon wife of Bhupinder Singh Dhillon. It is vaguely alleged that members and office bearers of Ludhiana Cricket Association made certain boys, who were over-aged, play

in a Tournament meant for under 17 years of age in M.L.Markan Inter District Cup Cricket Tournament. The petitioner has questioned these allegations saying how these would amount to any offence under Sections 420, 467, 468, 471, 120-B IPC, as alleged in the FIR. He has also questioned the locus of the complainant, who perhaps cannot be termed as an aggrieved in any manner.

The grievance of the complainant apparently is that her son, Rabeyg Dhillon, could not play because of the same, who was amongst 32 probables. Besides, the petitioner has raised strong grievance of his being made an accused on the ground that he had absolutely no role to play in the selection process and as such, could not be connected with any allegation, even if someone was made play as alleged in the FIR. The petitioner would also make reference to certain conditions of rules and regulations of the Punjab Cricket Association, which regulate the manner of calculating the age of any cricketer, who is participating in a tournament and method to resolve any dispute in this regard that may arise. The rules and regulations also make a provision for penalty, which include debarring the concerned player to take part in PCA Tournament for 2 years and also to penalize the District Association upto Rs.10,000/- if some over-age player is made to play. Even the District team can be expelled for this reason.

Notice in this case was issued. Learned counsel for the parties have been heard.

The counsel appearing for the State could not say much on the aspect as to how the allegations made in the FIR would reveal offence under Section 420 or the other Sections as mentioned

therein. The FIR appears to be more of a grievance of parents of a child, who was not able to play in a tournament. It can be seen that the complainant has clearly mentioned in the FIR that "they have repeatedly assured me that no injustice will be done but despite all this, over-age and undeserving players were selected." The petitioner has referred to the extracts of the Selection Committee register containing the names of the list of the probables and the selected players, which would show that the petitioner had no role to play in any of the selection process. It is also disclosed that the player concerned is required to furnish an affidavit/indemnity bond, a date of birth certificate and x-ray report of the Radiologist approved by the Board. Such documents were provided on behalf of the players allegedly selected and who are stated to be over-age. It is further referred that even the ossification test in each case showed the age of these players to be less than 17 years. The affidavits, birth certificate and x-ray reports given by the players, Arun Sharma and Gagandeep Dhand are annexed as Annexures P-3 to P-8. Even if taking the allegations to be true, no offence would reveal against the petitioner, considering the nature of the offence created under Section 420 IPC and those of under Sections 467, 468 and 471 IPC. There is no person who is induced to deliver any property, which could lead to an offence of cheating. The offences under Sections 467, 468 and 471 IPC deal with forgery of valuable security, which would also not be made out from the facts and circumstances of the case. Accordingly, it can be said that no offence under the Sections alleged in the FIR would be made out. In ***State of Haryana and others Vs. Ch.Bhajan Lal & Ors.,*** JT 1990 (4) S.C. 650, the

Hon'ble Supreme Court has observed that where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused, then the FIR in such a case can be ordered to be quashed. The present case seems to be fully covered by the ratio of law as laid down by the Hon'ble Supreme Court as noticed above. Since no offence under the Sections, as mentioned in the FIR, is made out, allowing the proceedings to continue in this case would amount to an abuse of the process of the Court.

As a result, the petition is allowed and FIR No.93 dated 6.10.2005 under Sections 420, 467,468,471,120-B IPC registered at Police Station Division No.8, Ludhiana and the subsequent proceedings thereto qua the petitioner are quashed.

February 12, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**